UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1993/52/Add.7
9 November 1992

ENGLISH
Original: RUSSIAN

COMMISSION ON HUMAN RIGHTS

Forty-ninth session
Item 15 of the provisional agenda

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under article VII of the Convention

Union of Soviet Socialist Republics*

[26 August 1991]

Sixth report of the Union of Soviet Socialist Republics on the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid

1. This report supplements previous periodic reports on the subject submitted by the USSR in 1978, 1980, 1981, 1984, 1986 and 1988 (E/CN.4/1277/Add.11; E/CN.4/145/Add.2; E/CN.4/1505/Add.9; E/CN.4/1984/36/Add.10; E/CN.4/1987/26/Add.3; E/CN.4/1989/31/Add.9).

2. The USSR has a well-developed legislative system designed to ensure the effective equality of rights of citizens of different races and nationalities, and to create a durable legal basis for the further development of all peoples and nationalities within a free union of equal republics. This has been described in detail in the periodic reports already submitted by the USSR.

---

* The initial, second, third, fourth, fifth and sixth reports submitted by the Government of the Union of Soviet Socialist Republics (E/CN.4/1277/Add.11, E/CN.4/1415/Add.2, E/CN.4/1505/Add.9, E/CN.4/1984/36/Add.10, E/CN.4/1987/26/Add.3 and E/CN.4/1989/31/Add.9) were considered by the Group of Three at its 1978, 1981, 1982, 1985, 1987 and 1989 sessions respectively.

3. Since the submission of the fifth periodic report, fundamental changes have occurred in Soviet life. The development and consolidation of socialist democracy and the improvement of the system of Soviet citizens' rights and freedoms and of the machinery for their realization are now governed by the policy of perestroika, the purpose of which is to restore the incontestable primacy of the working man with his ideals and interests and the genuine affirmation of humanitarian values.

4. In the period 1989-1991 work continued in the USSR in the political, economic and cultural spheres with a view to the development of democracy and the consolidation of self-government. Improvements are also still being made to the system of legislation with a view to ensuring the effective equality of rights of Soviet citizens regardless of race or nationality, prohibiting discrimination, and creating a sound legal basis for the existence of all peoples and nationalities in the framework of a free union of equal republics.

5. Under the criminal legislation in force, responsibility for acts connected with apartheid are covered by article II of the USSR law of 25 December 1985 entitled "Criminal responsibility for State crimes", which has been considerably amended in recent years. It was initially worded as follows:

> "Article II. Disregard of national and racial equality.
>
> "Propaganda or agitation aimed at stirring up racial or national hatred or discord, as well as any direct or indirect restriction of the rights of or establishment of direct or indirect privileges for citizens, because of their race or nationality, shall be punished by imprisonment for a period of six months to three years or exile from two to five years."

The Decree of the Presidium of the Supreme Council of the USSR of 8 April 1989 entitled "Amendments and additions to the USSR law on 'Criminal responsibility for State crimes' and other legislative instruments", the USSR law of 17 April 1991 entitled 'Amendments and additions to certain legislative instruments of the USSR in connection with the adoption of the USSR law entitled 'Freedom of conscience and religious organizations'", clarifies the wording of this article, which now reads as follows:

> "Article II. Disregard of the national or racial equality and of the equality of rights of citizens because of their attitude to religion.
>
> "Deliberate acts aimed at arousing national, racial or religious hatred or discord, disparaging the honour and dignity or offending the sensibilities of citizens, as well as any direct or indirect restriction of their rights or the establishment of direct or indirect privileges for citizens because of their race or nationality or attitude to religion -
>
> Shall be punished by imprisonment for a period of up to three years or a fine of up to 2,000 roubles."

Furthermore, this article now has two additional parts that specify heavier penalties for the same acts if accompanied by violence, fraud and threats even

if committed by officials and also if they were committed by a group of persons, resulted in loss of life or had any other serious consequences.

6. The list of aggravating circumstances contained in article 34 of the Principles underlying the Criminal Legislation of the USSR and Union Republics, was supplemented by "Commission of a crime motivated by national or racial hatred or contempt" in accordance with the USSR law of 2 April 1990 entitled "Heavier penalties for disregard of the national equality of rights of citizens and the disruption of the territorial integrity of the USSR".

7. The USSR has consistently fought against the inhuman policy and practices of apartheid. It supports and implements all the resolutions and recommendations of international bodies aimed at combating racism and apartheid, including the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination. Soviet representatives participate actively in the work of United Nations bodies dealing with problems of decolonization and the combating of racism, racial discrimination and apartheid: the General Assembly, the Economic and Social Council, the Commission on Human Rights and the Special Committee Against Apartheid.

8. Organizations representing the Soviet public are making an important contribution to the struggle against apartheid. In accordance with the appeals of the international community and United Nations decisions, and in particular the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, the Soviet Committee for Solidarity with the Countries of Asia and Africa (SCSCAA) provides assistance and extensive support to the South-West Africa People's Organization (SWAPO) and the African National Congress (ANC), as well as to the front-line States in the region. This work is of a humanitarian nature and includes material aid, training (on SCSCAA fellowships) at higher educational establishments, moral and political support in the international arena and also the organization and conduct of mass events and activities to demonstrate solidarity in the USSR.

9. Every year the USSR makes a contribution of up to $20,000 to the OAU fund for informing international public opinion about the situation in southern Africa. Dozens of ANC and SWAPO activists are receiving tuition in the USSR in such fields as economics, engineering, law, health, medicine and arts subjects.

10. The USSR participated actively in the preparation of the Declaration on Apartheid and its Destructive Consequences in Southern Africa which was adopted by the General Assembly at its sixteenth special session. It sets forth guidelines for the elimination of apartheid through genuine negotiations. At the present time the Soviet Union is carefully following the course of political reforms in the Republic of South Africa. In our view, the ultimate objective of these reforms should be the creation of a non-racial democratic republic in the southern part of the African continent.

ANNEX

Provisions of relevant laws

Extract from the law on Criminal Responsibility for State Crimes (former wording):

"Article II. Disregard of national and racial equality.

"Propaganda or agitation aimed at stirring up racial or national hatred or discord, as well as any direct or indirect restriction of the rights of or establishment of direct or indirect privileges for citizens because of their race or nationality -

"Shall be punished by imprisonment for a period of six months to three years or exile for a period of two to five years."

DECREE OF THE PRESIDIUM OF THE SUPREME COUNCIL OF THE USSR

"106. Amendments and additions to the USSR law on Criminal Responsibility for State Crimes and certain other legislative acts of the USSR.

"Article II. Disregard of national and racial equality.

"Deliberate acts aimed at arousing national or racial hatred or discord and disparaging national honour and dignity, as well as any direct or indirect restriction of the rights of or the establishment of direct or indirect advantages for citizens because of their race or nationality -

"Shall be punished by imprisonment for a period of up to three years or a fine of up to 2,000 roubles.

"Such acts, if accompanied by violence, fraud or threats and even if committed by an official -

"Shall be punished by imprisonment for a period of up to five years or a fine of up to 5,000 roubles.

"The acts referred to in the first or second parts of this article, if committed by a group of persons, cause loss of life or have other serious consequences -

"Shall be punished by imprisonment for a period of up to 10 years."

HEAVIER PENALTIES FOR DISREGARD OF THE NATIONAL EQUALITY OF RIGHTS OF CITIZENS AND DISRUPTION OF THE TERRITORIAL INTEGRITY OF THE USSR

USSR law of 2 April 1990

(Register of the Congress of Peoples' Deputies of the USSR and Supreme Council of the USSR, 1990, No. 15, p. 247)

"This law

"Is based on the need to provide better protection for the rights and freedoms of citizens, effectively to put an end to the activities of various nationalistic and separatist associations aimed at discriminating between citizens on the basis of their nationality, mother tongue or religious beliefs, stirring up hatred and discord between nationalities and disrupting the territorial integrity of the USSR, as established in the Constitution of the USSR; and

"Reflects the international legal obligations assumed by the USSR to prohibit in its legislation any activity aimed at discriminating between citizens and stirring up hatred, enmity and violence between nationalities.

"1. The activities of any associations of citizens, including political parties, social organizations and mass movements aimed at fomenting national or racial hatred, discord or disparagement or the use of force for national, racial or religious reasons, as well as such activities aimed specifically at the disruption of the territorial integrity of the USSR or of the Union and autonomous republics, autonomous regions and districts, shall be deemed illegal and prohibited.

"2. The activities of the associations referred to in article 1 of this law shall be deemed illegal and prohibited by decision of the supreme court of a Union Republic, the supreme court of an autonomous republic, of the regional, district and municipal court, the court of an autonomous region or the court of an autonomous district on the motion of the relevant president of the supreme court or other high State official of a union or autonomous republic, the president of the council of ministers of a Union or autonomous republic, the chairman of a local council of peoples' deputies or the chairman of its executive committee, or the Government Procurator.

"Where the activities of such associations affect the territory of a number of Union republics or inter-republic relations, the decision to prohibit their activities may be taken by the Supreme Court of the USSR on the motion of the President of the USSR, the Chairman of the Council of Ministers of the USSR, the Procurator-General of the USSR, and also on the motion of the Chairman of the Supreme Soviet or other high State official of a union or autonomous Republic, or the chairman of the council of ministers of a Union or autonomous republic. With a view to ensuring the safety of citizens, the President of the USSR may, as an

interim measure, pending adoption of a decision by the Supreme Court of the USSR, suspend the activities of the associations referred to in article 1 of this law.

"The association of citizens whose activities are prohibited by court order shall be dissolved and their property transferred to the State.

"3. Any action taken to establish the associations of citizens referred to in article 1 of this law, as well as any active participation in their activities, shall entail the imposition of administrative penalties in the form of a fine of up to 10,000 roubles or administrative arrest for a period of up to 15 days in cases where such activity is not regarded as criminal under the law.

"Records of violations shall be compiled by officials of subordinate bodies of the Ministry of Internal Affairs or any other officials empowered to do so by the councils of peoples' deputies.

"Cases of violations covered by the first part of this article shall be heard by the national courts individually."